

House Natural Resources Committee
Testimony of Calvin Erb on Senate Bill 370
March 28, 2007

Mr. Chairman and members of the committee:

My name is Calvin Erb, and I wish to appear on the record today in favor of SB 370. I appreciate the opportunity to comment.

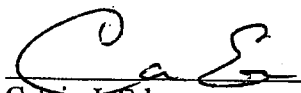
By way of background, my family owns a ranch in the upper Big Hole Valley and is actively participating, through CCAA process, in the grayling recovery effort. I am working in cooperation with the Department of Fish, Wildlife, and Parks (DFWP) and others on a variety of grayling recovery projects, from reduction of irrigation diversions at certain times, to grazing management projects and stock watering projects, to name a few.

In addition to my ranch work, I have worked for many years as a lawyer. Being involved both in agriculture and in the law, I am acutely aware of my water rights. While much of my restoration effort does not affect how I use my water, some of it does. So as I work with DFWP to improve fishery flows, I want to make sure I protect my water rights.

Water rights, because they are use rights, can be abandoned through non-use over a long time. And while not all non-use puts a water right at risk of abandonment, the mere prospect that it might can be a significant disincentive for people to work with DFWP in this cooperative grayling recovery effort.

So, the purpose of SB 370 is simple. What it says, in effect, to me and others like me in the upper Big Hole who might want to cooperate in this grayling recovery effort is that we won't be penalized for our good faith efforts - we won't be putting our water rights at risk of abandonment if we work with the Department to restore flows in the upper Big Hole.

So, I urge the committee to support passage of Senate Bill 370. Thank you for your consideration.



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